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FISCAL IMPACT STATEMENT

LS 6541

BILL NUMBER: HB 1143

NOTE PREPARED: Dec 16, 2010

BILL AMENDED:

SUBJECT: Credit Time for Behavior Management Programs.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. It requires the Department of Correction to establish, implement, and maintain an offender behavior management program.
- B. It provides that an offender who completes the behavior management program may receive credit time.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Violent Offenders and Behavior Management Programs* – Depending on when these offenders would be released, Department of Correction (DOC) would likely need to increase the number of substance abuse counselors and counselors who provide psychological services to offenders. On November 5, 2010, DOC reported that it housed 12,384 violent offenders in its facilities. These violent offenders represented about 44% of the offenders in all of the DOC facilities on that particular day.

Violent offenders are defined in statute under IC 35-38-2.5-4.7(1). The offenses include the following: murder, attempted murder, voluntary manslaughter, involuntary manslaughter reckless homicide, aggravated battery, kidnapping, robbery as a Class a felony or a Class B felony, burglary as a Class a felony or a Class B felony, operating a motor vehicle while intoxicated causing death, operating a motor vehicle while intoxicated causing serious bodily injury to another person, resisting law enforcement as a felony, battery Class A B C D; domestic battery, arson, escape, stalking, offenses relating to regulated explosives, rape, criminal deviate conduct, child molesting, sexual misconduct with a minor as a Class a felony or a Class B felony.

Behavior Management Programs and Good Time Credit – The DOC currently provides two programs to address behavior management problems:

(1) *Thinking for a Change*, which is an integrated, cognitive behavior change program for offenders that includes cognitive restructuring, social skills development, and development of problem solving skills; and

(2) *PLUS (Purposeful Living Units Serve)*, which is a faith- and character-based reentry initiative.

DOC reports that a total of 1,229 offenders completed either one or both programs in 2008. At least 749 offenders completed the *Thinking for a Change* program, 442 completed the *PLUS* program, and 38 offenders completed both programs. Some of the offenders who completed these programs may have been committed to DOC for a sex crime. These sex offenders would be eligible for this new credit time but not for completing the sex offender management and monitoring program. [This fiscal note will be updated if this information becomes available.]

Offenders are limited to the amount of earned credit time that they can receive for completing education, substance abuse, or other programs. Under IC 35-50-6-3.3(I), the maximum amount of credits that they can earn is the lesser of four years or one third of the person's total applicable credit time. Information was not currently available on the earned credit time that each of these 1,229 offenders have.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected:

Information Sources: Planning Division, DOC.

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